

105TH CONGRESS
1ST SESSION

H. CON. RES. 199

Expressing the sense of the Congress with respect to United States assistance or support for the investigation on capital punishment in the United States by the United Nations Human Rights Commission.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 1997

Mr. BRADY (for himself and Mr. TRAFICANT) submitted the following concurrent resolution; which was referred to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

CONCURRENT RESOLUTION

Expressing the sense of the Congress with respect to United States assistance or support for the investigation on capital punishment in the United States by the United Nations Human Rights Commission.

Whereas Mr. Waly Bacre Ndiaya of Senegal, a United Nations special investigator with the Geneva-based United Nations Human Rights Commission, was given official permission to visit inmates on death row in California, New York, Florida, and Texas as part of an investigation by the commission into capital punishment in the United States;

Whereas the Administration reportedly invited Mr. Ndiaya, a former lawyer and senior official with Amnesty International, to visit the United States and meet with Federal and local government officials between September 21 and October 8, and he is now reporting his findings to the commission on “extrajudicial, summary and arbitrary” executions in the United States;

Whereas visits of this type have been traditionally reserved for nations considered serious human rights offenders and on his most recent trip Mr. Ndiaya visited Sri Lanka where there are widespread reports of disappearances and killings committed by both the government and Tamil separatists;

Whereas in March of this year, the United Nations Human Rights Commission voted against the death penalty for the first time, but the United States opposed the move and affirmed its right to use capital punishment;

Whereas the commission’s disdain of victims and states’ rights is indicative of why the United Nations has earned justified criticism by the American people and has generated anti-United Nations sentiment in the United States;

Whereas legislation now in conference between the House of Representatives and the Senate contains language that conditions payment of United States arrears to the United Nations based on respect for United States sovereignty and the commission’s investigation into capital punishment in the United States raises serious concerns about the United States capacity to achieve meaningful reform at the United Nations; and

Whereas there is a concern that the commission's human rights investigation could be used by the United Nations Human Rights Commission or other United Nations bodies to impose mandates at variance with the Constitution of the United States: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring)*, That it is the sense of the Congress that the
 3 Administration should—

4 (1) explain the full extent of its cooperation
 5 with the United Nations Human Rights Commission
 6 investigation of capital punishment in the United
 7 States;

8 (2) provide the Congress with a detailed written
 9 explanation of the assistance offered by all United
 10 States Government agencies, particularly the De-
 11 partment of State, for the investigation;

12 (3) ascertain and provide to the Congress a list
 13 of other countries to be visited by Mr. Ndiaya;

14 (4) provide to the Congress a full explanation
 15 of the costs to the United States of the commission's
 16 investigation;

17 (5) state the position of the Administration on
 18 the view that extrajudicial summary and arbitrary
 19 executions occur in the American judicial system;
 20 and

1 (6) continue to oppose any global standard on
2 capital punishment imposed on the United States by
3 the United Nations Human Rights Commission or
4 any other United Nations body.

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